

# United States District Court Eastern District of Michigan

United States of America

V.

ALI DARWICH

[AKA: Abdullah Derbas]

## JUDGMENT IN A CRIMINAL CASE

Case Number: 10CR20705-4

USM Number: 45049-039

Craig A. Daly

Defendant's Attorney

### THE DEFENDANT:

■ Was found guilty on count(s) **1,2,3,4,5,6,7,8,9,10,11,12,13,14,15,16,17,18, 20, 21,22,23, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35 of the Fourth Superseding Indictment.** after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
See page 2 for details.			

The defendant is sentenced as provided in pages **2 through 10** of this judgment. This sentence is imposed pursuant to the Sentencing Reform Act of 1984

■ The defendant has been found not guilty on count(s) **19ssss and 24ssss of the Fourth Superseding Indictment**

■ Count(s) **1-3 of the Indictment, 1s-3s of the First Superseding Indictment, 1ss-16ss of the Second Superseding Indictment, 1sss-24ss of the Third Superseding Indictment** are dismissed on the motion of the United States after a plea of not guilty.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

May 8, 2013  
Date of Imposition of Judgment



s/Robert H. Cleland  
United States District Judge

May 23, 2013  
Date Signed

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## ADDITIONAL COUNTS OF CONVICTION

<b>Title &amp; Section</b>	<b>Nature of Offense</b>	<b>Offense Ended</b>	<b>Count</b>
18:USC:1343, 2	Wire Fraud, Aiding and Abetting	3/9/07, 4/11/07	1ssss, 2ssss
18:USC:1343, 2	Wire Fraud, Aiding and Abetting	6/21/07, 9/4/07	3ssss, 4ssss
18:USC:1343, 2	Wire Fraud, Aiding and Abetting	7/2/07, 8/30/07	5ssss, 6ssss
18:USC:1343, 2	Wire Fraud, Aiding and Abetting	1/10/07, 6/30/07	7ssss, 8ssss
18:USC:1343, 2	Wire Fraud, Aiding and Abetting	11/1/07, 11/24/07	9ssss, 10ssss
18:USC:1343, 2	Wire Fraud, Aiding and Abetting	6/4/08, 10/8/08	11ssss, 12ssss
18:USC:1341, 2	Mail Fraud, Aiding and Abetting	12/11/06, 12/19/06	13ssss, 14ssss
18:USC:1341, 2	Mail Fraud, Aiding and Abetting	12/21/06, 9/14/07	15ssss, 16ssss
18:USC:1341, 2	Mail Fraud, Aiding and Abetting	7/3/07, 9/1/07	17ssss, 18ssss
18:USC:1341, 2	Mail Fraud, Aiding and Abetting	9/15/06, 2/7/07	20ssss, 21ssss
18:USC:1341, 2	Mail Fraud, Aiding and Abetting	12/4/07, 12/18/07	22ssss, 23ssss
18:USC:1341, 2	Mail Fraud, Aiding and Abetting	10/8/08, 12/5/08	25ssss, 26ssss
18:USC:1341, 2	Mail Fraud, Aiding and Abetting	4/14/09	27ssss
18:USC:844(h)(1)	Use of Fire to Commit Fraud	12/20/06, 12/24/06	28ssss, 29ssss
18:USC:844(h)(1)	Use of Fire to Commit Fraud	6/20/07, 6/30/07	30ssss, 31ssss
18:USC:844(h)(1)	Use of Fire to Commit Fraud	10/31/07, 5/25/08	32ssss, 33ssss
18:USC:844(h)(1)	Use of Fire to Commit Fraud	12/30/08	34ssss
18:USC:1956(h)	Conspiracy to Launder Monetary Instruments	12/30/08	35ssss

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## IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of: **87 months as to Counts 1 through 18, 20 through 23, 25 through 27 and 35, to run concurrent; 120 months as to Count 28, to run consecutive to all other counts; and 240 months on Counts 29 through 34 to run consecutive to each other and all other counts; for a total of 1,647 months.**

The defendant is remanded to the custody of the United States Marshal.

## RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_ a  
\_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
United States Marshal

\_\_\_\_\_  
Deputy United States Marshal

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### **SUPERVISED RELEASE**

Upon release from imprisonment, the defendant shall be on supervised release for a term of: **2 years as to each count to run concurrently. If deported, the term of supervised release will be non-reporting.**

The defendant must report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

If the defendant is convicted of a felony offense, DNA collection is required by Public Law 108-405.

The defendant shall not unlawfully possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court. Revocation of supervised release is mandatory for possession of a controlled substance.

■ The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.

If this judgment imposes a fine or restitution, it is a condition of supervised release that the defendant pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page.

### **STANDARD CONDITIONS OF SUPERVISION**

- 1) the defendant shall not leave the judicial district without the permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
- 4) the defendant shall support his or her dependents and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement; and
- 14) the defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon. Revocation of supervised release is mandatory for possession of a firearm.

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### **SPECIAL CONDITIONS OF SUPERVISION**

- The defendant shall make monthly payments on any remaining balance of the: **restitution, special assessment** at a rate and schedule recommended by the Probation Department and approved by the Court.
- The defendant shall not incur any new credit charges or open additional lines of credit without the approval of the probation officer.
- The defendant shall provide the probation officer access to any requested financial information.

**In the event that the defendant is removed from the United States upon the completion of this sentence, the defendant shall not re-enter the United States without permission from the proper authorities.**

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### CRIMINAL MONETARY PENALTIES

	<b>Assessment</b>	<b>Fine</b>	<b>Restitution</b>
<b>TOTALS:</b>	\$ 3,300.00	\$ 0.00	\$ 1,204,867.62

If the defendant makes a partial payment, each payee shall receive an approximately proportioned payment, unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

<b>Name of Payee</b>	<b>Total Loss*</b>	<b>Restitution Ordered</b>	<b>Priority or Percentage</b>
Pacific Specialty Insurance Company 3601 Haven Ave Menlo Park, CA 94025 Claim No. 145446	\$144,638.61	\$144,638.61	
Safeco Central Recovery Unit P.O. Box 6057 Indianapolis, IN 46206-6057 Attn: Claim no. 6229-5393-3008	\$10,763.11	\$10,763.11	
State Farm Insurance 14111 Middlebelt Road Livonia, MI 48154 Claim no. 22-M361-187	\$493,011.84	\$493,011.84	
Nationwide Insurance Nationwide Plaza One Columbus, OH 48215 Attn: Claim No. 9121 PE 020256	\$363,419.06	\$363,419.06	
Farmers Insurance 28850 Cabot Drive, Ste 100 Novi, MI 48377 Claim No. 1011067327	\$187,962.66	\$187,962.66	
Michigan Basic Insurance 3425 E Jefferson Detroit, MI 48207 Claim No. 0123MI513146	\$5,072.34	\$5,072.34	
<b>TOTALS:</b>	\$ 1,204,867.62	\$ 1,204,867.62	

The court determined that the defendant does not have the ability to pay interest and it is ordered that:

**the interest requirement is waived for the restitution**

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

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**ADDITIONAL TERMS FOR CRIMINAL MONETARY PENALTIES**

The Court waives the fine, costs of incarceration and supervision due to the defendant's lack of financial resources.

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties are due as follows:

[A] Lump sum payment of **\$3,300.00** due immediately.

Unless the court has expressly ordered otherwise in the special instructions above, while in custody, the defendant shall participate in the Inmate Financial Responsibility Program. The Court is aware of the requirements of the program and approves of the payment schedule of this program and hereby orders the defendant's compliance. All criminal monetary penalty payments are to be made to the Clerk of the Court, except those payments made through the Bureau of Prison's Inmate Financial Responsibility Program.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

Joint and Several

#### Case Number

Defendant and Co-Defendant Names (including defendant number)	Total Amount	Joint and Several Amount	Corresponding Payee, if appropriate
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See attached detailed sheet.

The defendant shall forfeit the defendant's interest in the following property to the United States:

See detail list attached.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) penalties, and (8) costs, including cost of prosecution and court costs.

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## ADDITIONAL DEFENDANTS AND CO-DEFENDANTS HELD JOINT AND SEVERAL

Joint and Several

### Case Number

**Defendant and Co-Defendant Names**  
**(including defendant number)**

**Total Amount**

**Joint and Several**  
**Amount**

**Corresponding Payee,**  
**if appropriate**

10-20705-1

Fatima Toufaili

144638.61

144638.61

Pacific Specialty Insurance

10-20705-1

Fatima Toufaili

493011.84

493011.84

State Farm Insurance

10-20705-1

Fatima Toufaili

4101.25

4101.25

SafeCo Insurance

10-20705-1

Fatima Toufaili

363419.06

363419.06

Nationwide Insurance

10-20705-1

Fatima Toufaili

110573.48

110573.48

Farmers Insurance

10-20705-1

Fatima Toufaili

84051.04

84051.04

SafeCo Insurance

10-20705-1

Fatima Toufaili

5072.34

5072.34

Michigan Basic Insurance

10-20705-2

Ali Alaouie

363419.06

363419.06

Nationwide Insurance

10-20705-3

Rabih Ali

144638.61

144638.61

Pacific Specialty Insurance

10-20705-5

Mazen Mazraani

144638.61

144638.61

Pacific Specialty Insurance

10-20705-5

Mazen Mazraani

4101.25

4101.25

SafeCo Insurance

10-20705-6

Jad Alawie

144638.61

144638.61

Pacific Specialty Insurance

10-20705-6

493011.84

493011.84

State Farm Insurance

~~Jed Alawie~~~~493011.84~~~~493011.84~~~~State Farm Insurance~~

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10-20705-7

Fayez Debouk

5072.34

5072.34

Michigan Basic Insurance

10-20705-8

Ashak Ashaq

144638.61

144638.61

Pacific Specialty Insurance

10-20705-8

Ashak Ashaq

493011.84

493011.84

State Farm Insurance

10-20705-8

Ashak Ashaq

4101.25

4101.25

SafeCo Insurance

10-20705-8

Ashak Ashaq

363419.06

363419.06

Nationwide Insurance

10-20705-8

Ashak Ashaq

110573.48

110573.48

Farmers Insurance

10-20705-8

Ashak Ashaq

84051.04

84051.04

SafeCo Insurance

10-20705-9

Benjamin Youhanna

144638.61

144638.61

Pacific Specialty Insurance

10-20705-9

Benjamin Youhanna

493011.84

493011.84

State Farm Insurance

10-20705-9

Benjamin Youhanna

4101.25

4101.25

SafeCo Insurance

10-20705-9

Benjamin Youhanna

363419.06

363419.06

Nationwide Insurance

10-20705-9

Benjamin Youhanna

110573.48

110573.48

Farmers Insurance

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### **ADDITIONAL FORFEITED PROPERTY**

Pursuant to Fed.R.Crim.P. 32.2, 18 U.S.C. 981(a)(1)(C), 28 U.S.C. 2461 and 18 U.S.C. 982(a)(2)(B), defendant shall forfeit, and pay, to the United States the amount of \$1,044,963.00, as this amount constitutes proceeds of defendants violations of 18 U.S.C. 1343, 18 U.S.C. 1341 and 18 U.S.C. 844. Defendant is jointly and severally liable with all co-defendants to pay this money judgment.